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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,427

12/31/2003

Frank Fago

L-F/217/273

1785

7590 10/05/2009
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine St.
Cincinnati, OH 45202

EXAMINER

VU, QUYNH-NHU HOANG

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability	Application No.	Applicant(s)	
	10/750,427	FAGO ET AL.	
	Examiner	Art Unit	
	QUYNH-NHU H. VU	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/26/09.
2. ☒ The allowed claim(s) is/are 9-17,25,26,28,29 and 32-101.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7/26/09</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

Quynh-Nhu H. Vu
Examiner
Art Unit: 3763

Art Unit: 3763

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a person interview with attorney Thomas W. Humphrey on 7/20/09.

The application has been amended as follows:

In the claims:

9. (currently amended) A method for performing a filling sequence in a contrast media injector system that uses a fill tube coupling a syringe to contrast media supply to fill the syringe with a desired fill volume of contrast media, the method comprising:

attaching said fill tube to said syringe;

drawing contrast media into the syringe through the fill tube at a first fill rate;

thereafter, automatically expelling substantially all air from the fill tube by automatically reversing the first fill rate and expelling fluid from said syringe, wherein at least some of the contrast media is expelled through the fill tube during the expelling;

thereafter, filling the syringe at a second fill rate to fill the syringe with the desired fill volume of contrast media, wherein the second fill rate is faster than the first fill rate; and
thereafter, injecting contrast media into a patient.

Allowable Subject Matter

Claims 9-21, 23, 25-26, 28-29, and 32-101 are allowed.

The following is an examiner's statement of reasons for allowance:

The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination of a method for performing a filling sequence in a contrast media injector system that uses a fill tube coupling a syringe to contrast media supply to fill the syringe with a desired fill volume of contrast media

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Regarding claims 9 and 12, the method comprising: drawing contrast media into the syringe through the fill tube at a first fill rate; thereafter; automatically expelling substantially all air from the fill tube by automatically reversing the first fill rate and expelling fluid from said syringe, wherein at least some of the contrast media is expelled through the fill tube during the expelling; thereafter, filling the syringe at a second fill rate to fill the syringe with the desired fill volume of contrast media; wherein the second fill rate is faster than the first fill rate.

Regarding claims 32 and 38, the method comprising: automatically drawing an initial volume of medical fluid into a syringe of a contrast media injector system at a first fill rate; after the drawing, automatically stop drawing and start expelling at least some of the medical fluid from the syringe; and thereafter, automatically stop expelling and start filling the syringe at a second fill rate that is faster than the first fill rate; wherein a total volume of medical fluid in the syringe after the filling is greater than the initial volume.

The closest prior arts of record are Duchon et al. (US 2004/0133165); Savege (US 2004/0158205) and Fago et al. (US 2004/0024361). However the references do not disclose the device as claimed or described above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh-Nhu H. Vu whose telephone number is 571-272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763

Quynh-Nhu H. Vu
Examiner
Art Unit 3763